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GEORGINA R. DUGGS, Individually and  
as Trustee of the EDWARD & GEORGINA  
DUGGS LIVING TRUST; ZANE DUGGS  
and GEMMA DUGGS, minors, by  
GEORGINA R. DUGGS, their natural guardian

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO**

GEORGINA R. DUGGS, Individually and  
as Trustee of the EDWARD & GEORGINA  
DUGGS LIVING TRUST; ZANE DUGGS and  
GEMMA DUGGS, minors, by GEORGINA R.  
DUGGS, their natural guardian,

Plaintiffs,

v.

JAMES EARL EBY,

Defendant.

Case No.: 3:14-cv-03734-RS

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO ENLARGE ADR DEADLINE AND  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

**RECITALS TO STIPULATION**

On August 18, 2014, Plaintiffs filed the above-reference suit against Defendant Mr. Eby alleging that, *inter alia*, Eby fraudulently obtained \$1.25 Million in life insurance death benefit proceeds from a MetLife life insurance policy No. 210227420USU, issued by MetLife Investors USA Insurance to

insured, Mr. Edward L. Duggs, the late husband of Plaintiff Georgina R. Duggs via an improper and illegal life settlement.

On September 10, 2014, Defendant filed their Motion to Dismiss Plaintiffs' Complaint for Failure to State a Cause of Action (per FRCP 12(b)(6)). *See* Dkt. #18.

On September 17, 2014, the Court referred the case to the Court's ADR department "for the purposes of engaging in mediation to take place, ideally, within the next 90 days [*i.e.*, before December 12, 2014]." *See* Dkt. #21.

On November 10, 2014, the Court issued a notice that Defendant's Motion to Dismiss shall be submitted without oral argument, vacating the hearing set for November 13, 2014.

On November 24, 2014, the ADR Clerk issued a Notice Appointing Martin Quinn as Mediator. *See* Dkt. #33.

On November 10, 2014, for reasons of the uncertainty of the matter due to Defendant's pending Motion to Dismiss, the parties agreed to seek an extension of the ADR cut-off date. As well, because of the potential of a conflict of interest in using Mr. Quinn as a mediator, the parties agreed to request a new mediator other than Mr. Quinn.

On November 10, 2014, the parties through Plaintiffs' counsel contacted Mr. Daniel Bowling, the ADR Case Administrator for this matter, to request a new mediator.

### STIPULATION

Subject to the above recitals, all parties hereby stipulate to the following:

All Plaintiffs and Defendant, through their respective attorneys, hereby stipulate and agree to enlarge the ADR deadline March 1, 2014 to allow the parties to find a new mediator and schedule a new mediation date before that time.

Further, all parties hereby stipulate to continue the Case Management Conference currently scheduled for December 18, 2014 to the next available court date, January 8, 2015.

### IT IS SO STIPULATED:

Dated: December 11, 2014

KORNBLUM, COCHRAN, ERICKSON  
& HARBISON, LLP

/s/ Nicholas Peterson  
NICHOLAS PETERSON, ESQ.  
Counsel for Plaintiffs

Dated: December 11, 2014

BEITCHMAN & ZEKIAN, LLP

/s/ David P. Beitchman

DAVID P. BEITCHMAN, ESQ.

Counsel for Defendant

~~[PROPOSED]~~ ORDER

In light of the foregoing Stipulation and for good cause being shown therefore,  
IT IS HEREBY ORDERED that:

The ADR deadline for this matter shall be enlarged to March 1, 2014.

The Case Management Conference shall be continued to January 8, 2015 at 10:00 a.m., in  
Courtroom 3, 17th Floor.

**IT IS SO ORDERED:**

Date: 12/12/14



The Hon. Richard Seeborg  
District Court Judge